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September 14, 2023

Hon. Jonathan W. Feldman  
United States Magistrate Judge  
100 State Street  
Rochester, New York 14614

**Re:    *Horn v. Medical Marijuana, Inc. et al.***  
**Case No.       :       15-CV-701**  
**Our File No.   :       7023**

Dear Judge Feldman:

As you may recall, my office represents the defendants Medical Marijuana, Inc. (MMI) and Red Dice Holdings, LLC (RDH) in this action.

By amended opinion dated August 22, 2023 the United States Court of Appeals for the Second Circuit vacated Your Honor's September 14, 2021 order to the extent that order dismissed plaintiff's civil RICO claim. This morning this Court attempted to schedule a video conference with Your Honor, presumably to discuss further proceedings in this action.

I write to inform the Court that the defendants have formally retained the law firm Williams & Connolly LLP to draft and file with the United States Supreme Court a petition for writ of certiorari of the Second Circuit's opinion and any ensuing proceedings and argument on the merits. Attorney Lisa S. Blatt of that firm (<https://www.wc.com/Attorneys/Lisa-S-Blatt>) will be the lead attorney on that petition and potential appeal.

We are advised that the petition for writ of certiorari will be filed by no later than October 3, 2023. It is expected that SCOTUS will issue a decision on that petition sometime in January 2024 and, if certiorari is granted, will hear the appeal in April 2024.

After Your Honor issued your September 2021 Decision and Order counsel for the parties agreed that, for judicial economy reasons, an appeal of that decision and order should proceed before the plaintiff's remaining claim was tried. Defendants jointly believe the same judicial economy logic again applies and, for that reason, respectfully request that the Court adjourn any conference in this matter until after SCOTUS decides the writ petition and, if granted, the defendants' appeal of the Second Circuit's opinion.

Thank you for your time and attention to this matter.

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Respectfully submitted,

MURA | LAW GROUP, PLLC

A handwritten signature in blue ink, appearing to read 'Roy A. Mura', with a long horizontal flourish extending to the right.

Roy A. Mura

RAM/me

cc: All Counsel of Record (via email)